

PATENT COOPERATION TREATY

From the
INTERNATIONAL SEARCHING AUTHORITY

PCT

To:

see form PCT/ISA/220

WRITTEN OPINION OF THE INTERNATIONAL SEARCHING AUTHORITY (PCT Rule 43bis.1)

Date of mailing
(day/month/year) see form PCT/ISA/210 (second sheet)

Applicant's or agent's file reference
see form PCT/ISA/220

FOR FURTHER ACTION
See paragraph 2 below

International application No.
PCT/EP2004/052787

International filing date (day/month/year)
03.11.2004

Priority date (day/month/year)
03.11.2003

International Patent Classification (IPC) or both national classification and IPC
E05F1/12

Applicant
TALPE, Joseph

1. This opinion contains indications relating to the following items:

- ☒ Box No. I Basis of the opinion
- ☐ Box No. II Priority
- ☐ Box No. III Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- ☐ Box No. IV Lack of unity of invention
- ☒ Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- ☐ Box No. VI Certain documents cited
- ☐ Box No. VII Certain defects in the international application
- ☐ Box No. VIII Certain observations on the international application

2. **FURTHER ACTION**

If a demand for international preliminary examination is made, this opinion will usually be considered to be a written opinion of the International Preliminary Examining Authority ("IPEA"). However, this does not apply where the applicant chooses an Authority other than this one to be the IPEA and the chosen IPEA has notified the International Bureau under Rule 66.1bis(b) that written opinions of this International Searching Authority will not be so considered.

If this opinion is, as provided above, considered to be a written opinion of the IPEA, the applicant is invited to submit to the IPEA a written reply together, where appropriate, with amendments, before the expiration of three months from the date of mailing of Form PCT/ISA/220 or before the expiration of 22 months from the priority date, whichever expires later.

For further options, see Form PCT/ISA/220.

3. For further details, see notes to Form PCT/ISA/220.

Name and mailing address of the ISA:



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**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052787

Box No. I Basis of the opinion

1. With regard to the **language**, this opinion has been established on the basis of the international application in the language in which it was filed, unless otherwise indicated under this item.
☐ This opinion has been established on the basis of a translation from the original language into the following language , which is the language of a translation furnished for the purposes of international search (under Rules 12.3 and 23.1(b)).
2. With regard to any **nucleotide and/or amino acid sequence** disclosed in the international application and necessary to the claimed invention, this opinion has been established on the basis of:
 - a. type of material:
☐ a sequence listing
☐ table(s) related to the sequence listing
 - b. format of material:
☐ in written format
☐ in computer readable form
 - c. time of filing/furnishing:
☐ contained in the international application as filed.
☐ filed together with the international application in computer readable form.
☐ furnished subsequently to this Authority for the purposes of search.
3. ☐ In addition, in the case that more than one version or copy of a sequence listing and/or table relating thereto has been filed or furnished, the required statements that the information in the subsequent or additional copies is identical to that in the application as filed or does not go beyond the application as filed, as appropriate, were furnished.
4. Additional comments:

**WRITTEN OPINION OF THE
INTERNATIONAL SEARCHING AUTHORITY**

International application No.
PCT/EP2004/052787

Box No. V Reasoned statement under Rule 43bis.1(a)(i) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Yes: Claims	3-7,10,11
	No: Claims	1,2,8,9,12
Inventive step (IS)	Yes: Claims	4-7
	No: Claims	1-3,8-12
Industrial applicability (IA)	Yes: Claims	1-12
	No: Claims	

2. Citations and explanations

see separate sheet

Re Item V

**Reasoned statement with regard to novelty, inventive step or industrial applicability;
citations and explanations supporting such statement**

1. Reference is made to the following document:

D1: WO 02/33205 A (YIM, BAEK-JONG) 25 April 2002 (2002-04-25)

2. The present application does not satisfy the criterion set forth in Article 33 (2) PCT because the subject-matter of claim 1 is not new in respect of prior art as defined in the regulations (Rule 64 (1)-(3) PCT) for the following reasons:

Document D1, which is considered to represent the most relevant state of the art, discloses (cf. page 3, line 18 - page 4, line 9; figures 2,3) a gate or door closing hinge comprising all the features of claim 1;

see especially:

- first hinge part (10,11a);
- second hinge part (11b);
- hinge shaft (12,20) rotatably mounted about first rotation axis in the first hinge part (10,11a) and connecting first and second hinge parts (10,11a,11b);
- torsion spring (13) coinciding substantially with first rotation axis, having its first end (lower end) operatively fixed to the first hinge part (10,11a) and a second end (upper end) operatively fixed to the hinge shaft (12,20) to exert a moment onto the first hinge part (10,11a);
- spring tension adjusting means (14) comprising:
 - a coupling element (worm wheel (15)) interposed between said first (lower) spring end and the first hinge part (10,11a) and rotatably mounted - about a substantially with the first rotation axis coinciding axis - within the first hinge part (10,11a);
 - a screw like element (worm (16)) rotatably mounted in the first hinge part (10,11a) about a third rotation axis, havin a screw threaded portion cooperating with the coupling element (15) rotating the latter with respect to the first hinge part (10,11a), thus adjusting the moment exerted by the torsion spring (13).

3. Dependent claims 2,3,8-12 do not contain any features which, in combination with the features of any claim to which they refer, meet the requirements of the PCT in respect of novelty and/or inventive step, as these features are known from the documents cited in the search report (see corresponding passages in the search report) or are merely a matter of normal design procedure.
4. The combination of the features of claims 1,4 and 7 is neither known from, nor rendered obvious by, the available prior art.
The features of claim 7 are thereby regarded essential for clarifying the functioning and guaranteeing an easy and smooth adjustment in a compact arrangement.
